

SENATE BILL REPORT

SB 6721

As Reported By Senate Committee On:
Human Services & Corrections, February 07, 2008

Title: An act relating to creating a task force on guardians ad litem representing the best interests of a child in cases under Titles 13 and 26 RCW.

Brief Description: Creating a guardian ad litem task force.

Sponsors: Senators Regala, Kohl-Welles and Rasmussen.

Brief History:

Committee Activity: Human Services & Corrections: 1/31/08, 2/07/08 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6721 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Jennifer Strus (786-7316)

Background: A guardian ad litem (GAL) is an adult who is appointed by the court to represent the best interests of an individual for a specific purpose for a specific period of time. Under the direction of the court, a GAL performs an investigation and prepares a report for the court of the GAL's findings and recommendations. To become a GAL, an individual must complete an approved training program, provide background information to the court(s) in which the GAL wishes to serve, and meet all eligibility requirements set by local court rule or policy.

GALs are often appointed to represent the best interests of minor children in domestic relations (family law) cases, dependent children in dependency actions. They may be paid for their services, or serve as volunteer GALs. Paid GALs can be employed by a county (perhaps family court services) but more often are individuals who do GAL work as part- or full-time self-employment. Most volunteer GALs serve as court appointed special advocates (CASA) in dependency actions. Statutes govern appointment of GALs. Each superior court maintains a list, or registry, of individuals who are qualified to serve as GALs. Appointments are made by agreement or by rotation from the GAL registry. The GAL's responsibilities and duties are set forth by statute, court rule, and the order appointing the GAL. Each superior court has a procedure for filing a grievance against a GAL.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The bill as referred to committee was not considered.

SUMMARY OF BILL (Recommended Substitute): A joint legislative task force on guardians ad litem in cases under Titles 13 and 26 is established. The President of the Senate and the Speaker of the House of Representatives must each appoint one member from each of the two largest caucuses in the Senate and the House. The President and the Speaker must jointly appoint the following members: a representative from a statewide domestic violence group; a representative from a community sexual assault program; two birth parents with at least one representing low-income parents; a representative from a statewide foster parent association; a representative from a qualified legal aid provider; one paid GAL; one unpaid GAL; one representative of the Court Appointed Special Advocates; a private attorney representing children in dependency or domestic relations cases; one professional family evaluators; one child development expert; one superior court judge and one court commissioner; a representative of the Administrative Office of the Courts (AOC) who has participated in developing the GAL curricula; a public defender who represents children; and an attorney who represents parents from the Office of Public Defense's Parents' Representation Program.

The following persons are also members of the task force: a representative of the Attorney General's Office who currently handles dependency cases; a representative of the Department of Social and Health Services who has worked on dependency cases; and the Office of Family and Children's Ombudsman or a designee.

The Task Force must review the following: (1) whether it is feasible and desirable to establish statewide standards for fees and costs for services performed by GALs; (2) the GAL training curriculum currently used by AOC and whether requiring specialized training for cases involving special needs children is appropriate; (3) applicable federal laws impacting GALs; (4) exceptions to appointment of GALs in dependency cases; (4) court oversight of the qualifications and performance of GALs; (5) whether statewide standards for grievance and removal provisions of GALs should be established; (6) whether statewide standards for nonattorney GALs should be established; and (7) the feasibility and desirability of establishing statewide model protocols to be used by GALs in cases involving limiting factors in dissolution cases; and (8) any other issues deemed relevant to the Task Force.

The Task Force is to be staffed by staff from Senate Committee Services and the House Office of Program Research. Costs of the Task Force are to be split between the House and Senate. The Task Force may consult with outside individuals or request that they form an advisory committee.

The Task Force is to report its findings and recommendations to the appropriate committees of the Legislature by December 31, 2008. The Task Force expires on January 1, 2009.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Performance of GALs is one of the top three sources of challenge that the Coalition hears about from its members. In family law cases, there appears to be a lack of training by GALs that put people at risk. Review of this area of the law is needed. We are interested in special training of GALs on domestic violence issues. There has been a lot of work done on this issue by the Administrative Office of the Courts and this Task Force should build on that. We thought that the Task Force formed pursuant to SB 5470 last year would address this issue, but there are so many issues for that Task Force that the GAL issue fell by the wayside. There should be two workgroups formed under this Task Force, one to deal with Title 13 cases and one to deal with Title 26 cases.

Persons Testifying: PRO: Grace Huang, Washington State Coalition Against Domestic Violence.